

In the Claims:

3. A method as recited in claim 1 further comprising the step of removing the change of torque;

measuring a wheel condition after the step of removing the change of torque.

REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Office Action mailed May 22, 2001, claims 1-21 are pending in the application. Claims 8-16 and 18-21 are allowed. Claims 3, 4 and 6 are objected to but would be allowable if rewritten in independent form. Applicants respectfully request reconsideration.

Claim 3 is objected to for an informality. Claim 3 was amended above to recite the step of removing the change of torque so that antecedent basis is provided within the claim.

Figure 1 is objected to because all numeric blocks "have to be labeled." Applicants find no requirement in the rules that all blocks have to have labels within them. Applicants respectfully submit that having labels within the boxes is not required for understanding of the drawing and therefore are not required. Each of the boxes are labeled with a reference numeral corresponding to a description in the specification. Applicants therefore request the Examiner to reconsider this objection.

Claims 1-2, 5, 7, and 17 stand rejected under 35 USC §103(a) as being unpatentable over Nakayama (US Patent 5,265,020) in view of Yoshimura (US Patent 4,650,212). Applicants respectfully traverse.

Because claims 1 and 17 are similar, they will be discussed together.

The present application is used for a method for determining wheel lift of a wheel. Claim 1 recites three basic steps: applying a change of torque to the wheel, measuring a change in a wheel condition since initiating the step of applying a change of torque, and indicating wheel lift if the change in the wheel condition is greater than a predetermined value. Claim 17 is more specific in that the change in wheel condition is the change in wheel speed.

Applicants respectfully submit that there are a number of differences between the construction cited by the Examiner and the present application. The *Nakayama* reference as admitted by the Examiner does not disclose the step of indicating wheel lift if the change in wheel condition is greater than a predetermined value. Applicants respectfully submit that also the step of "measuring a change in wheel condition since initiating the step of applying a change of torque" is also not included. The Examiner points to Fig. 2 and Col. 53-54 for this proposition. Applicants respectfully submit that the *Nakayama* reference is only 14 columns. Applicants have reviewed the reference and can find no teaching or suggestion in the reference for measuring a change in a condition since the step of applying a change in torque. The *Nakayama* reference is a torque distribution controlled device for a four wheel drive system. A wheel speed sensor 44 as recited by the Examiner cannot and does not measure a change in a wheel condition from an action such as initiating the step of applying a change of torque. The present invention uses the change in the wheel condition since the application of torque to the wheel to indicate a wheel lift if the change in the wheel condition is greater than a predetermined value.

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The Examiner also points to the *Yoshimura* reference. The *Yoshimura* reference is a vehicle suspension system. Applicants believe the Examiner has misunderstood the teachings of this reference. Namely, the Examiner points to Col. 3, lines 44-65, to indicate the disclosure of "a vehicle suspension system including an indicator(38) for indicating wheel lift." However, applicants respectfully submit that this passage does not recite anything close to wheel lift. That is, with reference to a vehicle suspension roll indicates the amount of body roll of the vehicle body relative to the road grade. Roll in this application should not be construed as roll over and therefore wheel lift. Once again, roll in this context refers to the roll of the body. Thus, this reference can not perform the step of "indicating wheel lift if the change in the wheel condition is greater than a predetermined value." Therefore, even if the references are combined, the present invention cannot be formed. Namely, two of the three steps of claim 1 are not provided. With respect to claim 17, the steps performed by the controller are also not found.

Therefore, because no teaching or suggestion is found in either of the references for determining wheel lift, applicants respectfully request reconsideration of this rejection.

Applicants believe the application is in condition for allowance and expeditious notice thereof is earnestly solicited. If the Examiner has any further questions or comments regarding the application, please contact the undersigned directly.

Please charge any fees required in the filing of this amendment to Deposit Account 06-1510.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE IN THE CLAIMS

3. A method as recited in claim 1 further comprising the step of removing the change of torque;

measuring a [second] wheel condition after the step of removing the change of torque [stopping the changing torque].